IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3098 OF 2005
IN
CRIMINAL APPEAL NO.297 OF 2005

James Suryarao Babattey ...Applicant.

V/s

State of Maharashtra
(D.C.B.C.I.D.) Unit VII
Mumbai. ...Respondent.

Mr. E.V. Sawant with Mr. Manish Mazgaonkar for the applicant.
Mr. A.S. Shitole, APP for the State.

CORAM: V.M.KANADE,J.

DATE: 6th May, 2005.

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. Applicant is convicted by the trial court for an offence punishable under section 489-C of the Indian Penal Code.

3. It is the case of prosecution that 103 fake currency notes were found on the person of the applicant. The prosecution examined four witnesses. Two independent witnesses, however, turned hostile. The entire prosecution rests on the testimony of the Investigating Officer. Thus the prosecution has not

proved the recovery of the notes from the accused through independent witnesses.

4. Applicant was on bail during trial. Under the circumstances, applicant be released on bail in the sum of Rs 5000/- with one or two sureties in the like amount. Applicant shall report to the concerned D.C.B. C.I.D. Police Station, Bandra once in a week.

V.M. KANADE, J.